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*Counsel for Defendant
Robert Bosch GmbH*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE MERCEDES-BENZ EMISSIONS
LITIGATION

Civil Action No. 16-881 (SDW) (JAD)

Motion Date: October 7, 2019

ELECTRONICALLY FILED

ORAL ARGUMENT REQUESTED

**DEFENDANT ROBERT BOSCH GMBH'S NOTICE OF MOTION AND
MOTION TO DISMISS THE FIFTH CONSOLIDATED AND AMENDED
CLASS ACTION COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(6)**

PLEASE TAKE NOTICE that, pursuant to Local Civil Rule 7.1, on October 7, 2019, or at such other date as may be agreed upon or ordered, at the United States District Court for the District of New Jersey, located at 50 Walnut Street, Newark, New Jersey, Defendant Robert Bosch GmbH will and hereby does move this Court to dismiss the Plaintiffs' Fifth Consolidated and Amended Class Action Complaint and Demand for Jury Trial (ECF. No. 185).

PLEASE TAKE FURTHER NOTICE that this Motion is made pursuant to Federal Rule of Civil Procedure 12(b)(6). In support of this Motion, Robert Bosch GmbH shall rely upon the accompanying Memorandum of Law, the accompanying Declaration of David E.

Wagner and exhibits thereto, any reply papers, any oral argument of counsel, and any other matter which may be submitted at any hearing of this Motion. A proposed form of Order is also submitted.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

Respectfully Submitted,

**CLEARY GOTTlieb STEEN & HAMILTON
LLP**

*Attorneys for Defendant
Robert Bosch GmbH*

DATED: August 27, 2019

By: /s/ Jeffrey A. Rosenthal
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